

1 of 4  
AUSN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8062

UNITED STATES OF AMERICA

Magistrate Case No.:

**Plaintiff:**

v

Francisco ZAMUDIO-Núñez

## COMPLAINT FOR VIOLATION OF

**21 U.S.C. § 952 and 960  
Importation of a Controlled  
Substance (Felony)**

Defendant.

The undersigned complainant being duly sworn states:

## COUNT ONE

That on or about January 22, 2008, within the Southern District of California, defendant Francisco ZAMUDIO-Nunez did knowingly and intentionally import approximately 8.08 kilograms (17.78 pounds) of methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

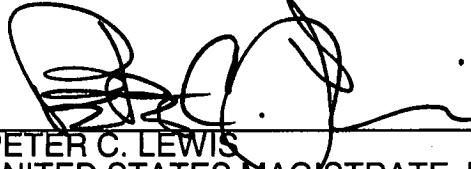
1 COUNT TWO  
2

3 That on or about January 22, 2008, within the Southern District of California,  
4 defendant Francisco ZAMUDIO-Nunez did knowingly and intentionally import  
5 approximately 44.64 kilograms (98.21 pounds) of cocaine, a Schedule II Controlled  
6 Substance, into the United States from a place outside thereof, in violation of Title 21,  
7 United States Code, Sections 952 and 960.  
8

9 The complainant states that this complaint is based on the attached Statement of  
10 Facts incorporated herein by reference.  
11

12   
13 VINCENT McDONALD  
14 Special Agent  
15 Immigration & Customs Enforcement  
16

17 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24<sup>th</sup>  
18  
19 DAY OF JANUARY 2008.  
20

21   
22 PETER C. LEWIS  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28

1 UNITED STATES OF AMERICA

2 v.

3 Francisco ZAMUDIO-Nunez

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, and notes furnished to U. S.  
6 Immigration and Customs Enforcement Special Agent (S/A) Vincent McDonald.

7 On January 22, 2008, at approximately 2130 hours, Francisco ZAMUDIO-Nunez  
8 entered the United States from the Republic of Mexico via the Calexico, CA West Port of  
9 Entry. ZAMUDIO was the driver and registered owner of a 2000 Ford Expedition.  
10 ZAMUDIO was accompanied by Esmeralda VERDUZCO.

11 Customs & Border Protection Officer (CBPO) A. Moreno in primary inspection lane  
12 #5 began his inspection of ZAMUDIO and VERDUZCO. ZAMUDIO presented a valid  
13 United States permanent resident card. VERDUZCO claimed she was a United States  
14 citizen, and presented a valid California identification card. CBPO A. Moreno obtained a  
15 negative Customs declaration from ZAMUDIO. CBPO A. Moreno inspected the vehicle  
16 and noticed the gas tank appeared to be new. CBPO A. Moreno tapped on the gas tank  
17 and it felt solid. CBPO A. Moreno referred ZAMUDIO, VERDUZCO and the vehicle to  
18 vehicle secondary for further examination.

19 In the VS area, CBPO Payton asked CBPO E. Leon to utilize his canine inspecting  
20 the 2000 Ford Expedition. CBPO E. Leon advised CBPO Payton that the canine alerted  
21 to the rear of the vehicle. CBPO Payton advised CBPO T. Contreras of the situation for  
22 continued inspection.

23 CBPO T. Contreras approached ZAMUDIO and obtained a negative Customs  
24 declaration. ZAMUDIO stated that he was the owner of the vehicle for approximately three  
25

1 months. CBPO T. Contreras began to tap the gas tank feeling a hard surface and hearing  
2 a solid sound.

3 A contractor was contacted and the vehicle's gas tank was removed. Further  
4 inspection of the gas tank by CBPO T. Contreras revealed an access plate on top of the  
5 tank. Further inspection of the vehicle revealed an access plate located below the rear  
6 seat behind the driver's seat.

7 Forty-one packages were removed from the vehicle with a net weight of 44.64  
8 kilograms (98.21 pounds) wrapped in clear cellophane were extracted. A random package  
9 was probed and field-tested positive for cocaine, a Schedule II Controlled substance.

10 CBPO T. Contreras continued his inspection of the vehicle and removed sixteen  
11 additional packages with a net weight of 8.08 kilograms (17.78 pounds) wrapped in clear  
12 cellophane. A random package was probed and field-tested positive for methamphetamine,  
13 a Schedule II Controlled Substance.

14 ZAMUDIO was placed under arrest and advised of his rights per Miranda, which he  
15 acknowledged and waived, agreeing to answer questions without the presence of an  
16 attorney. ZAMUDIO stated he knew narcotics were in the vehicle but he thought that it  
17 was just cocaine.

18 ZAMUDIO stated he was to be paid \$3,000.00 to cross the vehicle into the U. S.,  
19 at which time he would continue driving on Highway 111 until an unidentified person gave  
20 him a signal to pull over. ZAMUDIO stated he would then switch vehicles with the person  
21 and drive away. ZAMUDIO claimed VERDUZCO is innocent and did not know about the  
22 narcotics.